

**COPY**

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NOV 12 2009

*Ann D. Sullivan*  
CLERK OF COURT

**NOTC**

CATHERINE CORTEZ MASTO

Attorney General

COLLEEN E. HEMINGWAY

Deputy Attorney General

Bar No. 10293

100 N. Carson St.

Carson City NV 89701

775-684-1216

Attorneys for State of Nevada,

Department of Business & Industry,

Division of Mortgage Lending

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

STATE OF NEVADA, DEPARTMENT OF  
BUSINESS AND INDUSTRY, MORTGAGE  
LENDING DIVISION,

Plaintiff,

vs.

PRIVATE CAPITAL, LLC,

Defendant.

Case No.: A529434

Dept. No.: 1

Date of Hearing: December 17, 2009

Time of Hearing: 9:00 am.

Affirmation pursuant to NRS 239B.039

The undersigned does hereby affirm that the following  
document does not contain the social security number of any  
person.

**NOTICE OF HEARING TO SUBMIT RECEIVER'S FINAL REPORT AND**

**MOTION TO PAY COSTS AND CLOSE RECEIVERSHIP**

To: ALL INVESTORS OF LOANS BROKERED AND/OR SERVICED BY PRIVATE  
CAPITAL, LLC. AND ALL OTHER CREDITORS AND CLAIMANTS:

YOU AND EACH OF YOU will please take notice that the undersigned will bring the  
foregoing **MOTION TO PAY COSTS AND CLOSE RECEIVERSHIP**, on for hearing in

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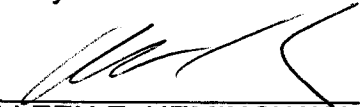
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1 Department 1, of the above-entitled court on the 17th day of December, 2009, at the hour of  
2 9:00 a.m., or as soon thereafter as counsel may be heard.

3 Dated this 10th day of November, 2009.

4  
5 CATHERINE CORTEZ MASTO  
Attorney General

6  
7 By   
8 COLLEEN E. HEMINGWAY  
Deputy Attorney General  
100 N. Carson St.  
Carson City NV 89701  
775-684-1216  
775-684-1108 Fax  
Attorneys for Plaintiff

**MOTION TO PAY COSTS AND CLOSE RECEIVERSHIP**

COMES NOW, Plaintiff, State of Nevada, Department of Business and Industry, Mortgage Lending Division (hereinafter, the "Division") by and through counsel, CATHERINE CORTEZ MASTO, Attorney General and COLLEEN E. HEMINGWAY, Deputy Attorney General, and respectfully requests this Honorable Court to enter this Order authorizing the Division to take the actions set forth herein on behalf of the Receivership (hereinafter, Receiver") in this matter.

The Division respectfully requests this Honorable Court to order the following:

1. Approving the Receiver's consolidation of the three below mentioned bank accounts into one, with a combined balance of \$60,572.67;
2. Approving the payment of the Receiver's costs in the amount of \$40,868.38 (of which \$9,500.00 has previously been paid, thus a net amount of \$31,368.38 due and payable) to the California attorney retained under authority of this Court's order of July 7, 2008. Payment is for services rendered and costs incurred to achieve the final dismissal of Private Capital LLC (hereinafter, "Defendant") from the California cases;
3. Approving the payment to the Receiver of \$35,470.00 for its costs incurred in the administration of the trust imposed upon it (although actual payment to the Receiver will only net \$29,204.29 due to insufficient assets of the receivership estate to pay such amount);
4. Approving the inability of the Receiver to pay the previously approved claims of \$14,339.30 and \$933.33 respectively;
5. Finding the Receiver has at all times herein acted in good faith and all actions taken have been in the best interest of the creditors of Defendant; and

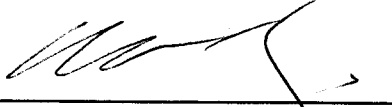
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6. Closing the Receivership and discharging the Receiver.

This Motion is based upon the papers, and pleadings on file herein, the Points and Authorities attached hereto, and the oral argument of counsel at the time of hearing, if any.

Dated this 10th day of November, 2009.

CATHERINE CORTEZ MASTO  
Attorney General

By   
COLLEEN E. HEMINGWAY  
Deputy Attorney General  
100 N. Carson St.  
Carson City NV 89701  
775-684-1216  
775-684-1108 Fax  
*Attorneys for Plaintiff*

**FINAL REPORT OF RECEIVERSHIP OF PRIVATE CAPITAL LLC**

1. On October 24, 2006 an order appointing the Division Commissioner as the receiver of Defendant was entered, pursuant to NRS 645B.640(2), to preserve the assets and financial viability of Defendant, a previously licensed mortgage broker in the State of Nevada.

2. At the time of the appointment of Plaintiff's Commissioner as Receiver, the Defendant had twelve small dollar amount fractionalized investments in various loans, aggregating to \$14,521.72. Ownership of these investments accrued to Defendant in Receivership, administered by the Commissioner of the Division.

3. On October 5, 2006, the Receiver contracted with US Loan Servicing (hereinafter "US Loan") to service all of the outstanding private investor loans that Defendant had been servicing on behalf of its private investors at the time of the appointment of Plaintiff as Receiver.

4. In November 2006, US Loan Servicing sent correspondence and a new loan servicing agreement to Defendant's investors. Investors were requested to execute new loan servicing agreements and return them to US Loan. Some investors declined to execute the

1 new servicing agreement.

2 5. In late 2007, investors in Fortius Fund first and second loans began contacting  
3 the Division and expressing displeasure with US Loan's handling of negotiations with Fortius  
4 with respect to default and alternatives to foreclosure. Fortius investors displeasure and  
5 submission of complaints to the Division culminated in US Loan's resignation as loan servicer  
6 of the Fortius Fund loans.

7 6. On March 11, 2008, the Division convened a meeting of Fortius investors at the  
8 Sawyer Building where a majority vote of investors determined Fortius' loan servicing would  
9 be transferred to Trinity Lending. Investors also voted to forego foreclosure and grant Fortius  
10 forbearance.

11 7. In late 2008, the Division determined Defendant in Receivership would be  
12 involved in the administration of the assets until such time as collateral properties could be  
13 liquidated or sold to other investors at fair market value.

14 8. On July 7, 2008 the Court ordered 1) the power and authority of the Receiver,  
15 previously vested in former Division Commissioner, SCOTT BICE, be conferred upon the  
16 current Division Commissioner, JOSEPH L. WALTUCH in all respects, 2) the servicing of the  
17 Fortius Fund loans be TEMPORARILY transferred from the control of US Loan, which had  
18 resigned as loan servicer, to Trinity Lending, LLC, (hereinafter, "Trinity"), another duly licensed  
19 mortgage broker with the ability to service this loan in the State of Nevada, with the  
20 understanding that a full hearing be promptly sought by the Division wherein all parties would  
21 be properly noticed of the issue, prior to the transfer becoming permanent, 3) the Division be  
22 permitted to retain counsel in the State of California to pursue a quiet title action, in the wake  
23 of a fraudulent "Subordination Agreement" falsely executed in Defendant's name as to real  
24 property located in that state, and to defend a similar action brought against the Receivership,  
25 in order to protect the rights of the parties therein.

26 9. On December 9, 2008, the Court ordered loan servicing of the Fortius Fund  
27 loans, loans initially brokered and serviced by Defendant, be transferred from the control of  
28 US Loan, which had resigned as loan servicer, to Trinity, another duly licensed mortgage

broker with the ability to service said loans in the State of Nevada; the Division be permitted to dispose or donate to charity nine (9) computers and destroy one (1) server taken from the Defendant's premises; the Division be permitted to sell, for reasonable market value, or otherwise dispose of where not cost effective to maintain, certain fractional interests (the assets) owned by the Defendant in various, small real estate investments, discussed below.

10. To the best of the Division's understanding, Defendant as the entity in the receivership, (hereinafter, "Receivership") maintains control over three (3) bank accounts maintained by First Republic Bank. As to these accounts, the Division notes the following:

a. The Defendant's Trust Account currently maintains a balance of \$4,250.13. Since the inception of the Receivership, no deposits or disbursements have been made from this account, nor have any claims been made to these funds. After thorough review of all of the Defendant's books and records, the Division is unable to ascertain the identity of the owner(s) of the funds in the instant account, if other than the Defendant.

b. The Defendant's Disbursement Account currently maintains a balance of \$2,222.96. Disbursements from this account have been made to compensate US Loan/Trinity for the Receivership's proportionate assessments of taxes, insurance and legal fees associated with the assets, and to cover costs, including the costs of the California litigation and Sanger payment, discussed below, incurred by the Division in conjunction with executing its responsibilities as Receiver. See Exhibit 1. Since the inception of the Receivership, this account has received the sum of \$22,001.97 in interest and principal payments from investments, (including \$795 from the sale of the Defendant's furniture, fixtures and equipment), to US Loan. Of the \$22,091.97 deposited to this account, \$17,500.00 has been transferred to the account from the LLC account, listed below, to cover administrative and legal costs of the Receivership.

c. The Defendant's LLC account currently maintains a balance of \$54,099.58. As noted in paragraph b, above, \$17,500.00 was transferred from this account to the Defendant's Disbursement Account.

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1 No claims have been made to the funds held in these accounts. From the books and  
2 records of the Defendant, the Division is unable to ascertain the identity of the owner of these  
3 funds, if other than the Defendant.

4 **MOST RECENT ISSUES**

5 1. The main subject recently managed by the Receiver is one of the Defendant's  
6 ventures for which it solicited investment known as Rubicon International Development, LLC.,  
7 (hereinafter, "Rubicon"). Prior to imposition of the Receivership, through its solicitations,  
8 Defendant accumulated approximately thirty (30) investors who lent a total of \$1,550,000.00  
9 to RUBICON for the development of a property in Victorville, California in the County of  
10 San Bernardino (hereinafter, the "Rubicon Property"). The above-referenced debt is secured  
11 with a first mortgage against the Rubicon Property.

12 2. Defendant also obtained an additional three (3) investors who lent a total of  
13 \$250,000.00 to Rubicon for further development of the Rubicon Property. This debt is  
14 secured with a second mortgage against the Rubicon Property.

15 3. Unbeknownst to either the Division or the Receiver, so-called "representatives"  
16 of Rubicon continued to solicit investments for the development of the Rubicon Property even  
17 after the receivership had been ordered and was in place. The sole known investor, who  
18 became involved after the Order appointing a receiver had been entered, was given a so-  
19 called "Subordination Agreement(s)" purportedly from the Defendant. The subject  
20 "Subordination Agreement(s)" purportedly gave this investor the most senior position on the  
21 property's title, purportedly superseding the positions of the first and second trust deeds.

22 4. To the best of the Division's knowledge, the "Subordination Agreements"  
23 described above were fraudulent and claimed to subordinate two (2) mortgages in favor of an  
24 additional loan of \$125,000.00 to Rubicon.

25 5. The two (2) fraudulent "Subordination Agreements" purported to contain the  
26 approval of the Defendant in favor of an individual named FLOYD C. SANGER, JR. The  
27 documents bear the signature of an individual named ERIC ZULEY, who purportedly  
28 authorized their issuance on the Defendant's behalf, as well as that of PAUL HOBBS

1 (hereinafter, "Hobbs"), as manager and owner of Rubicon.

2 6. Once the Division became aware of the fraudulent "Subordination  
3 Agreement(s)", it filed a lawsuit to quiet title and to obtain declaratory judgment concerning the  
4 ownership interests in the Rubicon Property, in the Superior Court for San Bernardino County,  
5 California (Case No. CIVVS703204).

6 7. The Division successfully settled this matter by paying FLOYD C. SANGER, JR.,  
7 the sum of \$5,000.00 in exchange for a "re-subordination" of his liens to those of the private  
8 investors.

9 8. An examination of the title to the Rubicon Property also revealed that Rubicon  
10 had transferred TEN PERCENT (10%) of its ownership in the property to an entity known as  
11 SW OCEANA, INC. In September 2007, SW OCEANA, INC., an entity which was another  
12 victim of the fraud in question, filed its own actions in both Orange County, California and in  
13 San Bernardino County, California seeking to quiet title and obtain relief from alleged fraud.  
14 The Defendant was named as a party in those actions.

15 9. The Receiver successfully moved for consolidation of the remaining lawsuits  
16 concerning the Rubicon Property. Upon determination that the Defendant had no interest in  
17 the note or deeds of trust securing the note, SW Oceana, Inc. agreed to a settlement with the  
18 Receiver, which provides for mutual releases and dismissals of all the remaining actions.  
19 Thus, the Defendant was dismissed from all the California lawsuits on August 28, 2009.

20 10. On December 9, 2008, this Court granted the Receiver authority to dispose of  
21 the fractionalized interests in real estate investments [loans] owned by the Defendant at the  
22 time of the appointed Receivership. Those interests have been disposed of by the Receiver  
23 as best as he saw fit. These interests potentially ranged from .02% to .50% ownership  
24 interests, secured by first or second deeds of trust on various properties in California and  
25 Nevada. The original book value of these interests was \$14,521.72, but the actual value was  
26 probably less than a 1/10th of that, and all loans were in default. All investors are subject to a  
27 call for fees to foreclose and pay taxes, etc., in proportion to their investment amounts. Based  
28 on the minute investment percentages owned by the Defendant, the annual carrying costs and



1 future foreclosure fees were nominal, although the Receiver determined that the fair market  
2 value of the assets was less than the costs associated with transferring the assets to third  
3 party investors who might be willing to purchase them. The Receiver therefore, transferred  
4 these interests to two investors upon payment of \$200.00 [which was deposited into the  
5 Disbursement Account] and the two investors' payment of all costs attributed to the  
6 assignment, transfer and recording fees, and title insurance, as necessary.

7 **CURRENT RECEIVERSHIP ISSUES TO BE ADDRESSED**

8 The Receiver requests an Order from the Court:

9 1. Approving the Receiver's consolidation of the three above mentioned bank  
10 accounts into one, with a combined balance of \$60,572.67;

11 2. Approving the payment of the Receiver's costs in the amount of \$40,868.38 (of  
12 which \$9,500.00 has previously been paid, thus a net amount of \$31,368.38 due and payable)  
13 to the California attorney retained under authority of this Court's order of July 7, 2008.  
14 Payment is for services rendered and costs incurred to achieve the final dismissal of the  
15 Defendant from the California cases;

16 3. Approving the payment to the Receiver of \$35,470.00 for its costs incurred in the  
17 administration of the trust imposed upon it (although actual payment to the Receiver will only  
18 net \$29,204.29 due to insufficient assets of the receivership estate to pay such amount).

19 4. Approving the inability of the Receiver to pay the previously approved claims of  
20 \$14,339.30 and \$933.33 respectively;

21 5. Finding the Receiver has at all times herein acted in good faith and all actions  
22 taken have been in the best interest of the creditors of the Defendant; and

23 6. Closing the Receivership and discharging the Receiver.

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1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **THIS HONORABLE COURT IS AUTHORIZED TO APPROVE THE REQUESTS HEREIN**

3                   NRS 78.650 (4) provides the court may at any time for sufficient cause make a decree  
4 terminating the receivership. Rule 66 of Nevada Rules of Civil Procedure provides an action  
5 wherein a receiver has been appointed shall not be dismissed except by order of the court.

6                   NRS 78.705 provides for payment of reasonable compensation to the Receiver for his  
7 services and the costs and expenses of the administration of the trust, and the cost of the  
8 proceedings in the court to be paid first out of the assets before distribution of the assets  
9 among the creditors or stockholders. The Receiver has spent a great deal of time on this  
10 matter for which he has not billed. Specifically, the Receiver has spent a large number of  
11 hours responding to emails and telephone calls from investors and their counsel, reviewing  
12 documents, and conducting a host of activities necessary for the general administration of the  
13 Receivership -- a good portion of which he has not billed.

14                  The professional services rendered by the Receiver's California Counsel,  
15 Wright, Finlay & Zak, LLP and the necessary and reasonable out-of-pocket costs associated  
16 with those services, are set forth and described in detail on Exhibit 2 attached hereto  
17 respectively. The measures to be weighed in fixing attorney's fees in receivership proceedings  
18 are, to a large extent, the same which are considered in fixing the receiver's fees. In fixing the  
19 allowances to either, the governing principle is that the compensation so allowed should be  
20 measured by the reasonable value of their services rendered. "We have in mind, and agree  
21 with the general rule, that the fixing of compensation of receivers or their counsel is ordinarily  
22 a matter within the discretion of the trial court and will not be interfered with on appeal, except  
23 in cases where it has been abused. Such allowances are presumptively correct." See  
24 *Mortimer v. Pacific States Sav. & Loan Co.* 62 Nev. 142, 158-159, 145 P.2d 733, 738 (Nev.  
25 1944).

26                  In order to perform the services and obtain the results required in California, substantial  
27 legal skill and experience in the areas of real estate law, litigation and negotiations were  
28 required of the Receiver and his counsel. The Receiver is sensitive to the financial

1 considerations arising in receiverships such as this and made every effort to control costs,  
2 however. The hourly rate of the California attorney set forth on the attached exhibit reflects a  
3 rate that is generally lower than the hourly rates billed by attorneys to clients in other litigation  
4 cases. Exhibit 2 conveys information for the time period of July, 2008 through  
5 September, 2009 and includes: (a) the number of hours worked by each attorney and  
6 professional on a particular day; (b) the manner and type of work performed by each attorney  
7 and professional; and (c) the billing rate for each person rendering services in this matter. The  
8 attached records have been prepared based upon the contemporaneous daily time records  
9 maintained by the individuals rendering the services.

10 The Receiver is inclined to pay the California attorney out of his costs pursuant to  
11 NRS 78.705 rather than as a claim pursuant to NRS 78.680. It is submitted, as the Court  
12 authorized the Receiver to hire the attorney, the fees ought to be paid pursuant to  
13 NRS 78.705 with a similar priority over other claims. If however they are to be treated as a  
14 simple claim, then the Receiver submits the costs were submitted under oath and approved  
15 by the Receiver. As such, the Receiver respectfully requests that the Court allow him to  
16 immediately distribute funds to Wright, Finlay & Zak, LLP for the professional services  
17 rendered to the Receivership.

18 The Court has the authority pursuant to NRS 78.680 to authorize the Receiver to pay  
19 the two other existing previously approved claims with assets of the Defendant. However,  
20 because NRS 78.705 authorizes the Receivers' pay and potentially the California attorney's  
21 pay to be prioritized and paid before claimants, after paying the Receiver and his attorney, the  
22 Receivership estate will not have sufficient funds available with which to pay these claimants.

23 The Receiver is not aware of additional assets to pursue on behalf of the investors, the  
24 assets recovered have been properly accounted for and disbursed as necessary, and all  
25 claims in the Receivership have been or are being settled or otherwise resolved as provided  
26 herein.

27 The Receiver hereby requests that the Court discharge the Receiver from all duties  
28 imposed upon him in his capacity as Receiver including, but not limited to, those duties in

1 relation to the above-listed Defendants, any and all claimants to funds in this matter, any  
2 creditors of the Defendant, and any individual or entity with an interest whatsoever to the  
3 moneys or assets recovered and distributed under the Receivership. The Receiver further  
4 requests that no claimant, Defendant and/or any individual or entity with an interest  
5 whatsoever to the moneys or assets recovered and/or distributed, bring any claims or causes  
6 of action against the Receiver, his counsel, employees, and/or his agents arising, in any way,  
7 from the Receiver's discharge of his duties as Receiver.

8 The Receiver respectfully requests that the discharge Order foreclose jurisdiction over  
9 future unfiled claims, and that the order contain language reflecting the well-established rule  
10 that upon final discharge, without reservation of jurisdiction, a receiver is no longer liable in  
11 connection with the receivership or the former estate. See *McColgan v. Maier Brewing Co.*,  
12 134 F.2d 385, 387-88 (9th Cir. 1943) ("The effect of the discharge of a receiver and surrender  
13 of jurisdiction over the trust, without any reservation as to existing claims, is to release not  
14 only the receiver, but, also, the property from further liability.") (internal quotation marks and  
15 citation omitted); *Peters v. Plains Petroleum Co.*, 43 F.2d 49, 49 (10th Cir. 1930) (holding that  
16 discharge of a receiver puts an end to his liability). Cf. *McNulta v. Lochridge*,  
17 141 U.S. 327, 332 (1891) ("Actions against the receiver are in law actions against the  
18 receivership or the funds in the hands of the receiver, and his contracts, misfeasance's,  
19 negligence's, and liabilities are official, and not personal, and judgments against him as  
20 receiver are payable only from the funds in his hands.").

### 21 CONCLUSION

22 For the foregoing reasons and pursuant to NRS 78.650 (4), 78.710 and Rule 66 of  
23 Nevada Rules of Civil Procedure, the Receiver respectfully reports the above information to  
24 the Court and hereby moves for this Honorable Court's approval and Order to proceed as  
25 requested and requests that he be discharged and this matter closed. The Division  
26 respectfully requests that this Honorable Court enter its Order providing as follows:

27 1. Approving the RECEIVER'S consolidation of the three above mentioned bank  
28 accounts into one, with a combined balance of \$60,572.67;

2. Approving the payment of the Receiver's costs in the amount of \$40,868.38 (of which \$9,500.00 has previously been paid, thus a net amount of \$31,368.38 due and payable) to the California attorney retained under authority of this Court's order of July 7, 2008. Payment is for services rendered and costs incurred to achieve the final dismissal of the Defendant from the California cases;

3. Approving the payment to the Receiver of \$35,470.00 for its costs incurred in the administration of the trust imposed upon it (although actual payment to the Receiver will only net \$29,204.29 due to insufficient assets of the receivership estate to pay such amount);

4. Approving the inability of the Receiver to pay the previously approved claims of \$14,339.30 and \$933.33 respectively.


5. Finding the Receiver has at all times herein acted in good faith and all actions taken have been in the best interest of the creditors of the Defendant; and

6. Closing the Receivership and discharging the Receiver.

Dated this 10th day of November, 2009.

Respectfully submitted,

CATHERINE CORTEZ MASTO  
Attorney General

By   
COLLEEN E. HEMINGWAY  
Deputy Attorney General  
100 N. Carson St.  
Carson City NV 89701  
775-684-1216  
775-684-1108 Fax  
*Attorneys for Plaintiff*

# **EXHIBIT 1**

PRIVATE CAPITAL IN RECEIVERSHIP DISBURSEMENT ACCT. # 984-0070-1945

Update to current 11/10/09

Checks Issued Prior to Imposition of Receivership

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5405	\$ 663.93
5406	550.68
5407	68.21
5408	400.00

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Checks Issued in Support of Private Capital in Receivership, imposed October 24, 2006

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5409	USLS	6/19/07	2.74	Foreclosure 06-208 RE Fin & Inv
5410	IRS	8/9/07	1,123.25	Tax Period 9/30/06
5411	IRS	8/9/07	305.98	Tax Period 6/30/06
5412	Stewart Title	9/21/07	4.27	Foreclosure 06-210 Natl Homes
5413	Miles, Bauer	10/12/07	1.00	BK Filing 06-210 Natl Homes
5414	Stewart Title	10/12/07	5.09	Foreclosure 05-106A Crnrstone
5415	Stewart Title	10/15/07	1.62	Foreclosure 07-239 Crnrstone
5416	Miles, Bauer	10/18/07	18.35	Foreclosure 06-231 RE Fin & Inv
5417	Y. Garcia	10/29/07	.33	Zip Rlty Prop Insp 07-239 Crnrstne
5418	Stewart Title	12/5/07	3.30	Rcding, rvert to inv 05-106A Crnrstn
5419	Void			
5420	Void			
5421	J. Waltuch	2/7/08	60.00	Court Call, 06-222 Rubicon
5422	Clk Cty Treas	2/11/08	7.33	Tax 05-106A Cornerstone
5423	USLS	3/4/08	15.25	Foreclosure 06-210 Natl Hmes
5424	CtyWd Proc	3/4/08	75.00	Serve Process, 06-222 Rubicon
5425	All Cntys	3/4/08	84.95	Serve Process 06-222 Rubicon
5426	S. Bndno Rec	3/4/08	17.00	Record Lis Pend 06-222 Rubicon
5427	USLS	3/7/08	6.18	Foreclosure 06-204 D&M Dev
5428	USLS	3/7/08	355.50	Mailing 06-217 Fortius
5429	D. Larsen Trs	3/13/08	5.25	Tax 06-208 RE Fin & Inv
5430	USLS	3/19/08	3.44	Fees Owed 06-203 Bkrsfld Taft
5431	USLS	3/21/08	8.74	Foreclosure 06-231 RE Fin & Inv
5432	Void			
5433	All Ctys	4/3/08	369.90	Ser. Fee, Hbs, Ntry 06-222 Rubicon
5434	AT&T	4/17/08	1,645.54	Conf. Calls 06-222/06-203 Fortius/ Bakerfld Taft
5435	P. Scotland	4/18/08	937.50	Rv CA law 06-222/06-203 Fortius/ Bkrsfld Taft
5436	Pinal Cty	5/8/08	2.32	Tax 06-204 D&M Dev
5437	Miles, Bauer	5/28/08	3.93	Foreclosure 06-231 RE Fin & Inv
5438	Ct Call	6/5/08	60.00	Teleconf ct appear 06-222 Rubicon

5439	Ct Call	6/5/08	60.00	Teleconf Addl Fees Rubicon 06-222
5440	USLS	6/24/08	180.71	Tax Omni Prop 06-109
5441	Void			
5442	Owners	6/26/08	1.98	Tax & Cushion Cmrstn 06-239
5443	Wright, Finlay	7/31/08	9,500.00	Rubicon Litigation 06-222
4544	All Ctys	8/28/08	159.90	Rubicon att to ser Hbs 06-222
5445	Owners	9/12/08	.94	Cornerstone 05-106A
5446	Pinal Cty	10/15/08	6.45	D&M Dev tax 06-204
5447	Corales 160	10/15/08	2.62	D&M Dev Cln up 06-204
5448	R. Dreitzer	11/7/08	95.00	ReimbTel. Ct Call, Rubicon 06-222
5449	Old Repub	12/29/08	5,000.00	Rubicon Lit. Sanger Settle (Void)
5450	Cornerstone	1/2/09	4.02	Pro-Rata Tax 05-106A
5451	Old Repub	3/13/09	5,000.00	Replace stale dated #5449
5452	USLS	7/14/09	87.91	Void. P/Rata Tax 06-31 Victorville



# **EXHIBIT 2**

10/21/2009  
8:49 AM

WRIGHT, FINLAY & ZAK, LLP  
Invoice Listing

Page 1

Case	ID	Date	Invoice #	Billed	Paid/Adj.	Due
Rubicon Development	22420	7/31/2008	G:21497	17.15	17.15	0.00
Rubicon Development	22892	8/31/2008	G:21819	5580.50	5580.50	0.00
Rubicon Development	23613	9/30/2008	G:22185	9440.05	3902.35	5537.70
Rubicon Development	24857	10/31/2008	G:22633	10660.08	0.00	10660.08
Rubicon Development	25517	11/30/2008	G:23160	4589.37	0.00	4589.37
Rubicon Development	26562	12/31/2008	G:23678	3385.19	0.00	3385.19
Rubicon Development	27628	1/31/2009	G:24224	1987.56	0.00	1987.56
Rubicon Development	28899	2/28/2009	G:24928	1008.45	0.00	1008.45
Rubicon Development	29925	3/31/2009	G:25602	2198.11	0.00	2198.11
Rubicon Development	31434	4/30/2009	G:26312	477.01	0.00	477.01
Rubicon Development	32660	5/31/2009	G:27044	608.98	0.00	608.98
Rubicon Development	34564	6/30/2009	G:27788	398.03	0.00	398.03
Rubicon Development	37270	8/31/2009	G:28498	64.50	0.00	64.50
Grand Total				40414.98	9500.00	30914.98



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

July 31, 2008

Invoice No.: 21497

Tax I.D. No. 33-0984579

Attention:  
Joseph L. Waltuch  
Commissioner  
Division of Mortgage Lending State of Nevada

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

Additional Charges :

	<u>Qty/Price</u>	<u>Amount</u>
07/16/08 - DM Federal Express to serve contract and Certificate of Insurance to Joseph L. Waltuch.	1 17.15	17.15
Total costs		<u>\$17.15</u>
7/31/2008 Payment from account		<u>(\$17.15)</u>
Total payments and adjustments		<u>(\$17.15)</u>
Balance due		<u>\$0.00</u>
Previous balance of Trust		\$0.00
8/6/2008 Payment to account from Private Capital, LLC. . Check No. 5443		\$9,500.00
7/31/2008 Payment from account		<u>(\$17.15)</u>
New balance of Trust		<u>\$9,482.85</u>

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

August 31, 2008

Invoice No.: 21819

Tax I.D. No. 33-0984579

Attention:  
Joseph L. Waltuch  
Commissioner  
Division of Mortgage Lending State of Nevada

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
08/04/08 -	DMP Review and analyze default papers prepared by plaintiff against client for preparing motion to set aside default.	0.20 195.00/hr	39.00
-	DMP N/C - Research regarding grounds for setting aside default, procedures and documents to be filed for preparing motion to set aside the default taken by plaintiff against our client.	0.80 195.00/hr	NO CHARGE
-	RPW Review and analyze documents concerning default; briefly review and analyze pleadings to differentiate the procedural history of the three lawsuits; review and analyze court dockets for the three cases.	1.50 235.00/hr	352.50
08/05/08 -	DMP Review and analyze voluminous amount of documents in the file for preparing motion to set aside default taken by plaintiff against Private Capital LLC.	2.10 195.00/hr	409.50
-	DMP Draft and revise motion to set aside default taken by plaintiff against Private Capital LLC.	5.80 195.00/hr	1,131.00
-	DMP Draft and revise letter to plaintiff's counsel regarding setting aside default and consolidating actions in San Bernardino Superior Court.	0.30 195.00/hr	58.50
-	DMP Began draft and revise of the Declaration of Richard Dreitzer in support of motion to set aside default of plaintiff against Private Capital LLC.	0.40 195.00/hr	78.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			Page 2
			<u>Amount</u>
			<u>Hrs/Rate</u>
08/05/08 - RPW	Multiple correspondence to and from Joe Waltuch regarding substitution of attorney forms, hearings, service, etc.	0.50 235.00/hr	117.50
08/06/08 - DMP	Continued draft and revise of the Declaration of Richard Dreitzer in support of motion to set aside the default of Private Capital LLC by plaintiff.	1.40 195.00/hr	273.00
- DMP	Draft and revise declaration of Robin Wright in support of motion to set aside the default of Private Capital LLC by plaintiff.	0.80 195.00/hr	156.00
- DMP	Review and analyze title documents for preparing motion to set aside default of Private Capital LLC and determine which exhibits to attach to the motion.	0.80 195.00/hr	156.00
- DMP	Draft and revise title index and chronology of events.	1.70 195.00/hr	331.50
- DMP	Continue draft and revise motion to set aside the default of Private Capital LLC by plaintiff.	1.60 195.00/hr	312.00
- DMP	Draft and revise request for judicial notice regarding motion to set aside the default of Private Capital LLC.	0.30 195.00/hr	58.50
- DMP	Draft and revise verified answer to be attached to motion to set aside the default of Private Capital LLC by plaintiff.	1.40 195.00/hr	273.00
- DMP	Review and analyze court's docket regarding status of service of defendants in the case of State of Nevada v. Rubicon in preparation for case management conference and for determining further action.	0.30 195.00/hr	58.50
- RPW	Telephone conference with plaintiff's counsel regarding facts/theories of case, setting aside default and appraisal.	0.50 235.00/hr	117.50
- RPW	Multiple correspondence to Joe W. regarding offer to set aside if we buy appraisal.	0.30 235.00/hr	70.50
08/07/08 - DMP	Prepare for and appear at case management conference/OSC regarding service in San Bernardino Superior Court via court call.	1.10 195.00/hr	214.50
08/11/08 - DMP	Prepare for and appear at case management conference/OSC regarding service in San Bernardino Superior Court in the case of SW Oceana v. Rubicon via court call.	1.10 195.00/hr	214.50
08/12/08 - DMP	Phone call plaintiff's counsel regarding stipulation to set aside the default taken against Private Capital in the SW Oceana v. Rubicon case.	0.10 195.00/hr	19.50
- DMP	E-mail to Richard Dreitzer his declaration in support of motion to set aside default of Private Capital and requesting suggested edits/additions.	0.20 195.00/hr	39.00
08/18/08 - DMP	Review and analyze e-mail from Richard Dreitzer regarding his declaration in support of motion to set aside default.	0.10 195.00/hr	19.50

		<u>Hrs/Rate</u>	
08/20/08	- DMP	Received phone call from Richard Dreitzer regarding his declaration in support of motion to set aside default, conversations he had with plaintiff's counsel and content of declaration.	0.20 195.00/hr 39.00
	- DMP	Further draft and revise of the declaration of Richard Dreitzer after phone conversation with Mr. Dreitzer.	0.40 195.00/hr 78.00
	- DMP	Draft and revise declaration of Joseph Waltuch in support of motion to set aside the default against Private Capital.	0.60 195.00/hr 117.00
	- RPW	Conference with Monica P. regarding R. Dweitzer's declaration issues.	0.30 235.00/hr 70.50
08/25/08	- DMP	E-mail to Richard Dreitzer revised declaration in support of motion to set aside default.	0.20 195.00/hr 39.00
For professional services rendered		25.00	\$4,843.00

## Additional Charges :

			<u>Qty/Price</u>	
07/31/08	- DM	Telephonic appearance hearing on 8/7/08 regarding Case Management Conference.	1 60.00	60.00
08/04/08	- DM	Telephonic appearance hearing on 8/11/08 regarding Case Management Conference.	1 60.00	60.00
	- DM	FATCO fee for documents retrieval.	1 20.00	20.00
08/31/08	- DM	Online legal research.	1 597.50	597.50

Total costs	\$737.50
Total amount of this bill	\$5,580.50
8/31/2008 Payment from account	(\$5,580.50)
Total payments and adjustments	(\$5,580.50)
Balance due	\$0.00

## Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	3.10	235.00	\$728.50
Dana Monica Paun	21.10	195.00	\$4,114.50
Dana Monica Paun	0.80	0.00	\$0.00

Page 4  
Amount

Previous balance of Trust  
8/31/2008 Payment from account

\$9,482.85  
(\$5,580.50)

New balance of Trust

\$3,902.35



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

September 30, 2008

Invoice No.: 22185

Tax I.D. No. 33-0984579

Attention:  
Joseph L. Waltuch  
Commissioner  
Division of Mortgage Lending State of Nevada

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
09/02/08	- DMP Draft and revise declaration of Joseph L. Waltuch in support of motion to set aside default.	0.80 195.00/hr	156.00
	- DMP E-mail to Richard Dreitzer inquiring as to the status of his review of his revised declaration in support of our motion to set aside default.	0.20 195.00/hr	39.00
	- DMP Draft and revise declaration of Robin Wright in support of motion to set aside default.	0.30 195.00/hr	58.50
09/08/08	- DMP Phone call appraiser Noble Tucker regarding appraiser of property, fees and experience as an expert.	0.20 195.00/hr	39.00
	- DMP E-mail to appraiser Noble Tucker request to give estimate as to an appraiser, information regarding lawsuit and property and title documents.	0.20 195.00/hr	39.00
	- DMP Phone call appraiser Michael Frauenthal regarding appraiser of property, fees and experience as an expert.	0.20 195.00/hr	39.00
	- DMP E-mail to appraiser Michael Frauenthal request to give estimate as to an appraiser, information regarding lawsuit and property and title documents.	0.20 195.00/hr	39.00
09/10/08	- DMP Reply e-mail to appraiser Noble Tucker regarding his estimate of the cost of preparing an estimate for the property.	0.20 195.00/hr	39.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



		<u>Hrs/Rate</u>	Page 2 <u>Amount</u>
09/10/08 - RPW	Review and revise Declaration to reflect which two cases were to be consolidated per the 2007 correspondence.	0.20 235.00/hr	47.00
09/11/08 - RPW	Revise Motion to Set Aside Default.	0.50 235.00/hr	117.50
09/12/08 - DMP	Review and analyze documents and pleadings in the three cases for drafting motion to set aside default.	0.60 195.00/hr	117.00
- DMP	Draft and revise motion to set aside default.	0.60 195.00/hr	117.00
- RPW	Draft and finalize Entries of Default for two defendants.	0.20 235.00/hr	47.00
- RPW	Review and analyze mandatory setting aside and excusable neglect in relation to Dweitzer's Declaration; conference with J. Fink regarding same.	0.40 235.00/hr	94.00
- JDF	Analyze issues regarding setting aside Default.	0.20 235.00/hr	47.00
09/13/08 - RPW	Correspondence to Joe Waltuch regarding possibly adding a 473 argument.	0.20 235.00/hr	47.00
09/15/08 - DMP	Prepare for and appear at status conference in Orange County Superior Court via court call.	1.10 195.00/hr	214.50
- DMP	Draft and revise motion to set aside default and declaration of Robin P. Wright in support thereof.	3.10 195.00/hr	604.50
- DMP	Research regarding setting aside default based on attorney's fault.	0.80 195.00/hr	156.00
- DMP	Draft and revise verified answer to the complaint.	0.60 195.00/hr	117.00
- DMP	Draft and revise letter to T.D. Service Company regarding canceling notice of default.	0.30 195.00/hr	58.50
- RPW	Attend Case Management Conference hearing.	0.50 235.00/hr	117.50
09/16/08 - DMP	Draft and revise verified answer to the complaint.	0.40 195.00/hr	78.00
- RPW	Review and revise affirmative defenses in Answer.	0.30 235.00/hr	70.50
09/17/08 - RPW	Review and revise Motion to Reflect Alternative Arguments; review and revise Declaration of R. Dreitzer to reflect alternative arguments of attorney fault; multiple correspondence to Joe Waltuch and R. Dreitzer; research extrinsic fraud argument.	4.50 235.00/hr	1,057.50
- JDF	Research regarding issues regarding setting aside Default.	0.60 235.00/hr	141.00

			Page 3
			<u>Amount</u>
		<u>Hrs/Rate</u>	
09/18/08 - RPW	Telephone conference with Richard Dreitzer regarding declaration issues.	0.20 235.00/hr	47.00
- RPW	Multiple correspondence to and from Joe Waltuch regarding equitable subrogation and loan files.	0.20 235.00/hr	47.00
- JDF	Revise Motion to Set Aside Default.	0.90 235.00/hr	211.50
09/19/08 - RPW	Further revise motion and declarations; revise Motions and Declarations for Ex Parte Relief.	1.80 235.00/hr	423.00
- JDF	Research regarding issues regarding Motion to Set Aside Default.	0.30 235.00/hr	70.50
09/20/08 - RPW	Draft and finalize correspondence to opposing counsel regarding Ex Parte and Request for Stipulation to Set Aside.	0.30 235.00/hr	70.50
- RPW	Review and revise pleading to reflect ex parte request.	0.80 235.00/hr	188.00
09/22/08 - DMP	N/C - Draft and revise ex parte application for an order to set aside the default of Private Capital or, in the alternative, for an order shortening time to hear our motion to set aside default.	1.90 195.00/hr	NO CHARGE
- DMP	Draft and revise declaration of Robin P. Wright in support of ex parte application for an order granting motion to set aside default or, in the alternative, for an order shortening time to hear motion to set aside default.	0.40 195.00/hr	78.00
- DMP	Received phone call from plaintiff's counsel regarding our ex parte application to hear motion to set aside default and stipulation to have motion heard at the same time with the default judgment hearing.	0.20 195.00/hr	39.00
- DMP	Draft and revise stipulation and order to have motion to set aside default heard at the same time as the default judgment hearing.	0.40 195.00/hr	78.00
- DMP	Phone call plaintiff's counsel giving him notice of our ex parte application to hear motion to set aside default or to shorten time to hear motion to set aside default.	0.10 195.00/hr	19.50
- RPW	Draft verbiage in Ex Parte regarding alternative recourse of shortened time; review and revise Declaration of Robin Prema Wright to include opposing counsel's failure to provide confirming letter.	0.40 235.00/hr	94.00
- RPW	Correspondence to counsel for junior lienholder regarding subordination issues.	0.20 235.00/hr	47.00
- JDF	Revise Ex Parte Application.	0.50 235.00/hr	117.50
09/23/08 - DMP	Phone call plaintiff's counsel regarding stipulation to set motion to set aside default on the same date as plaintiff's default judgment hearing, discussion with court's clerk	0.40 195.00/hr	78.00

regarding same, facts of the case, consolidation of cases and opportunities for settlement.

09/23/08 - DMP	Draft and revise letter to plaintiff's counsel regarding stipulation to shorten time to hear our motion to set aside default and discussion with the court's clerk regarding this issue.	0.20 195.00/hr	39.00
09/24/08 - RPW	Review and analyze Case Management Conference Statement for Sanger.	0.20 235.00/hr	47.00
- RPW	Correspondence to and from investigator on employee records at PC.	0.20 235.00/hr	47.00
09/30/08 - DMP	Draft and revise stipulation to set aside default and order.	0.30 195.00/hr	58.50
- DMP	E-mail to plaintiff's counsel stipulations to set aside default and consolidate cases.	0.20 195.00/hr	39.00
For professional services rendered		27.50	\$5,536.00

## Additional Charges :

		<u>Qty/Price</u>	
07/31/08 - DM	Federal Express to serve contract to Robert Lesselles, CPA.	1 20.42	20.42
08/07/08 - DM	Federal Express to serve Agreement to Joe Waltuch.	1 17.40	17.40
08/19/08 - DM	Federal Express to serve Contract to Robert Lesselles.	1 35.64	35.64
09/02/08 - DM	Attorney service's fee for filing Substitution of Attorney.	1 25.00	25.00
- DM	Attorney service's fee for filing Case Management Conference Statement.	1 112.44	112.44
09/08/08 - DM	Oceana vs. Rubicon - Telephonic appearance hearing on 9/15/08 regarding Order to Show Cause.	1 60.00	60.00
- DM	Oceana vs. Hobbs - Telephonic appearance hearing on 9/15/08 regarding Status Conference.	1 50.00	50.00
- DM	Attorney service's fee for obtaining Notice of Pending Action.	1 207.51	207.51
09/09/08 - DM	Attorney service's fee for obtaining Answer.	1 207.51	207.51
09/12/08 - DM	Overnight mail to serve Summons and Complaint to Paul Hobbs.	4 6.58	26.32

			Page 5
			<u>Amount</u>
			<u>Qty/Price</u>
09/15/08 - DM	Attorney service's fee for filing Motion to Set Aside Default.	1 25.00	25.00
09/23/08 - DM	Overnight mail to serve letter to Tang Nguyen.	1 0.42	0.42
- DM	Attorney service's fee for filing Ex Parte Application for Order to Set Aside Default.	1 379.69	379.69
- DM	Court fee for filing Ex Parte Application for Order to Set Aside Default.	1 360.00	360.00
- DM	Attorney service's fee for obtaining Notice of Change of Address.	1 149.81	149.81
- DM	Attorney service's fee for filing Stipulation regarding Motion to Set Aside Default.	1 181.39	181.39
- DM	Court fee for filing Stipulation regarding Motion to Set Aside Default.	1 20.00	20.00
09/25/08 - DM	FATCO fee for Litigation Guarantee.	1 1,648.00	1,648.00
09/29/08 - DM	Telephonic appearance hearing on 10/6/08 regarding Order to Show Cause/Case Management Conference.	1 65.00	65.00
09/30/08 - DM	Online legal research.	1 312.50	312.50

Total costs	\$3,904.05
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Total amount of this bill	\$9,440.05
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9/30/2008 Payment from account	(\$3,902.35)
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Total payments and adjustments	(\$3,902.35)
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Balance due	\$5,537.70
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## Attorney Summary

Name	Hours	Rate	Amount
Robin Prema Wright	11.10	235.00	\$2,608.50
Jonathan Fink	2.50	235.00	\$587.50
Dana Monica Paun	12.00	195.00	\$2,340.00
Dana Monica Paun	1.90	0.00	\$0.00

Previous balance of Trust	\$3,902.35
9/30/2008 Payment from account	(\$3,902.35)

New balance of Trust	\$0.00
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# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

October 31, 2008

Invoice No.: 22633

Tax I.D. No. 33-0984579

Attention:  
Joseph L. Waltuch  
Commissioner  
Division of Mortgage Lending State of Nevada

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
10/01/08	- DMP Background research regarding Eric Zuley for determining whether a motion for summary judgment in the Orange County case is appropriate.	0.30 195.00/hr	58.50
	- DMP N/C - Conference with Robin Wright regarding strategy, documents to be filed, information to be obtained and witnesses.	0.60 195.00/hr	NO CHARGE
	- DMP Review and analyze status of service on defendants Rubicon, Paul Hobbs and Eric Zuley and determine strategy for accomplishing service in the State of Nevada v. Rubicon case.	0.30 195.00/hr	58.50
	- DMP Draft and revise case management conference statement.	0.40 195.00/hr	78.00
	- DMP Internet research regarding Rubicon Development and Paul Hobbs.	0.60 195.00/hr	117.00
	- DMP Research regarding authority to sign contracts on behalf of corporation.	1.60 195.00/hr	312.00
10/02/08	- DMP Phone call plaintiff's counsel regarding stipulations to set aside default and consolidate cases and other issues.	0.10 195.00/hr	19.50
	- DMP E-mail to plaintiff's counsel regarding various issues concerning the cases filed in San Bernardino Superior Court, including stipulations to set aside default and consolidation of	0.20 195.00/hr	39.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			<u>Hrs/Rate</u>	<u>Page 2</u> <u>Amount</u>
cases, accepting service on behalf of Oceana and other issues.				
10/03/08	- DMP	E-mail to plaintiff's counsel regarding stipulation to set aside default and discussion of other issues.	0.20 195.00/hr	39.00
	- DMP	Received phone call from Jim Zuley, Eric Zuley's father regarding facts of the case.	0.30 195.00/hr	58.50
	- DMP	Received phone call from Eric Zuley regarding his involvement in the events and relationship with Paul Hobbs.	0.40 195.00/hr	78.00
	- DMP	E-mail to Eric Zuley the 2 subordination agreements for him to verify if the signature on the documents is his.	0.20 195.00/hr	39.00
	- RPW	Multiple correspondence to Joe Waltuch regarding Zuley's role in the subordination.	0.30 235.00/hr	70.50
10/06/08	- DMP	Prepare for and appear at Case Management Conference in San Bernardino Superior Court via court call.on the calendar).	1.60 195.00/hr	312.00
	- DMP	N/C - Conference with Robin Wright regarding service on defendants, amendments to the first amended complaint and further strategy.	0.30 195.00/hr	NO CHARGE
	- DMP	Resend e-mail to Eric Zuley regarding subordination agreements signed by him.	0.20 195.00/hr	39.00
	- DMP	Received phone call from Eric Zuley regarding subordination agreements signed by him.	0.20 195.00/hr	39.00
	- DMP	Draft and revise declaration of Eric Zuley in support of motion for summary judgment.	1.30 195.00/hr	253.50
	- DMP	Received phone call from Eric Zuley's attorney regarding case and declaration from his client.	0.20 195.00/hr	39.00
	- DMP	Research secretary of state website for information on Eric Zuley's prior and current ownership of corporations and LLCs.	0.20 195.00/hr	39.00
	- DMP	Research secretary of state website for information on service of process for SW Oceana.	0.20 195.00/hr	39.00
	- DMP	E-mail to plaintiff's counsel regarding various issues to discuss including setting aside default, consolidation and acceptance of service on behalf of SW Oceana.	0.20 195.00/hr	39.00
	- DMP	Received phone call from plaintiff's counsel regarding stipulation to set aside default and consolidate cases, accepting service on behalf of Oceana, the whereabouts of Paul Hobbs and other issues.	0.40 195.00/hr	78.00
	- RPW	Multiple correspondence to and from J. Waltuch regarding assignments and abstracts judgment; conference with associate regarding Zuley and Doe Amendment.	0.40 235.00/hr	94.00

			<u>Hrs/Rate</u>	<u>Page 3 Amount</u>
10/06/08	- RPW	Review and revise declaration of Eric Zuley.	0.40 235.00/hr	94.00
10/07/08	- DMP	Phone call plaintiff's counsel regarding stipulation to set aside default of Private Capital.	0.10 195.00/hr	19.50
	- DMP	E-mail to Eric Zuley requesting contact information for his attorney.	0.20 195.00/hr	39.00
	- DMP	Review and analyze e-mail and letter from Eric Zuley's attorney.	0.10 195.00/hr	19.50
	- DMP	E-mail to plaintiff's counsel regarding stipulations to set aside default and consolidate cases, acceptance of service on behalf of SW Oceana and providing copies of proofs of service on Paul Hobbs and Rubicon.	0.20 195.00/hr	39.00
	- DMP	Reply e-mail to Eric Zuley's attorney regarding default and asking for additional information to draft declaration of Eric Zuley.	0.30 195.00/hr	58.50
	- DMP	Research Nevada Secretary of State regarding information regarding Rubicon Development.	0.10 195.00/hr	19.50
	- DMP	Research regarding serving out of state limited liability corporations for serving Rubicon Development with summons and complaint.	0.40 195.00/hr	78.00
10/08/08	- DMP	Phone call plaintiff's counsel regarding stipulation to set aside default of Private Capital.	0.10 195.00/hr	19.50
10/09/08	- DMP	Draft and revise opposition to plaintiff's application for default judgment.	1.40 195.00/hr	273.00
	- DMP	Research regarding plaintiff's evidentiary burden to obtain a default judgment for drafting opposition to plaintiff's application for default judgment.	0.60 195.00/hr	117.00
	- DMP	Research regarding heightened requirements for obtaining defaults in quiet title actions for drafting opposition to plaintiff's application for default judgment.	0.80 195.00/hr	156.00
	- DMP	Research regarding relief that can be obtained through a default judgment for drafting opposition to plaintiff's application for default judgment.	0.40 195.00/hr	78.00
	- DMP	Review and analyze plaintiff's request for default judgment, declaration in support of default judgment and complaint for drafting opposition.	0.30 195.00/hr	58.50
	- JDF	Review documents regarding Motion to Set Aside Default.	0.30 235.00/hr	70.50
10/10/08	- DMP	E-mail to plaintiff's counsel regarding stipulation to set aside default, status as to judge's signature on the order to have motion to set aside default heard on October 27 and service of motion to set aside default.	0.20 195.00/hr	39.00

			Page	4
			<u>Hrs/Rate</u>	<u>Amount</u>
10/10/08	- DMP	E-mail to Eric Zuley's attorney requesting status as to providing his client's answers to be included in his declaration.	0.20 195.00/hr	39.00
	- DMP	Draft and revise request for prior pleadings and discovery.	0.20 195.00/hr	39.00
	- DMP	Draft and revise letter to the clerk of the court regarding order by the judge to allow motion to be heard on October 27, 2008, agreement of the parties as to service, service of the motion on Plaintiff on September 23 and October 10 and filing of motion to set aside default.	0.20 195.00/hr	39.00
	- RPW	Review and revise Opposition to Prove-Up Motion.	0.60 235.00/hr	141.00
10/13/08	- DMP	Research regarding constructive notice for drafting opposition to plaintiff's default judgment application.	0.40 195.00/hr	78.00
	- DMP	Draft and revise memorandum regarding constructive notice for drafting our opposition to plaintiff's default judgment application.	0.60 195.00/hr	117.00
	- DMP	Draft and revise opposition to plaintiff's application for default judgment.	0.80 195.00/hr	156.00
	- DMP	Review and analyze documents in the file for drafting opposition to plaintiff's default judgment application.	0.30 195.00/hr	58.50
	- RPW	Further revise Opposition to Default Application.	0.80 235.00/hr	188.00
10/14/08	- DMP	Draft and revise declaration of Eric Zuley in support of motion for summary judgment.	0.60 195.00/hr	117.00
	- DMP	N/C - Review and analyze e-mail from Eric Zuley's attorney regarding responses to our questions to be inserted in his declaration.	0.20 195.00/hr	NO CHARGE
	- DMP	E-mail to Eric Zuley's attorney regarding additional questions for Eric Zuley.	0.20 195.00/hr	39.00
	- DMP	Review and analyze e-mail from Eric Zuley's attorney regarding answers to additional questions to be inserted in his declaration in support of our Motion for Summary Judgment.	0.10 195.00/hr	19.50
	- DMP	Reply e-mail to the e-mail from Eric Zuley's attorney regarding answers to additional questions to be inserted in his declaration in support of our Motion for Summary Judgment.	0.20 195.00/hr	39.00
	- DMP	Review and analyze file for drafting motion for summary judgment.	0.80 195.00/hr	156.00
	- RPW	Finalize opposition to default application.	0.50 235.00/hr	117.50



			<u>Hrs/Rate</u>	Page 5 <u>Amount</u>
10/15/08	- DMP	Reply e-mail to the e-mail from Eric Zuley's attorney asking how are we going to proceed with the case against him.	0.20 195.00/hr	39.00
10/16/08	- DMP	Telephone conference with Eric Zuley's attorney regarding case.	0.20 195.00/hr	39.00
	- DMP	N/C - Review and analyze e-mail from counsel for Eric Zuley as to the revised declaration of Eric Zuley.	0.20 195.00/hr	NO CHARGE
10/17/08	- JDF	N/C - Review documents regarding Motion to Set Aside Default, prove-up.	0.50 235.00/hr	NO CHARGE
10/21/08	- DMP	E-mail to Eric Zuley's attorney regarding revised declaration for Mr. Zuley's signature.	0.20 195.00/hr	39.00
	- JDF	Review documents regarding Motion to Set Aside Default; research regarding same.	0.40 235.00/hr	94.00
10/22/08	- DMP	Draft and revise notice of non-opposition to our motion to set aside default.	0.20 195.00/hr	39.00
	- DMP	E-mail to plaintiff's counsel regarding stipulation to set aside default and acceptance of service.	0.20 195.00/hr	39.00
	- DMP	Review and analyze documents provided by client for drafting application to serve Paul Hobbs and Rubicon Development by publication.	0.80 195.00/hr	156.00
	- DMP	E-mail to plaintiff's counsel regarding agreement to accept service on his client's behalf and due date for his client's answer.	0.20 195.00/hr	39.00
	- DMP	Research regarding service by publication for serving defendants Paul Hobbs and Rubicon.	0.40 195.00/hr	78.00
	- DMP	Draft and revise application for service of defendants Paul Hobbs and Rubicon Development by publication.	0.60 195.00/hr	117.00
	- DMP	Draft and revise declaration of Monica Paun in support of application for service by publication for defendants Paul Hobbs and Rubicon.	0.40 195.00/hr	78.00
	- DMP	Draft and revise order to serve defendants Paul Hobbs and Rubicon by publication.	0.30 195.00/hr	58.50
	- DMP	E-mail to Roy Webb inquiring as to information concerning Paul Hobbs and Rubicon's address and phone number.	0.20 195.00/hr	39.00
	- DMP	Draft and revise subpoena for escrow file from Cimarron Escrow regarding loans made by Private Capital to Rubicon.	0.30 195.00/hr	58.50
10/23/08	- DMP	E-mails back and forth with client regarding service on SW Oceana.	0.20 195.00/hr	39.00
	- DMP	Review and analyze e-mail from plaintiff's counsel regarding stipulation to set aside default.	0.10 195.00/hr	19.50

			Hrs/Rate	Page 6 Amount
10/23/08	- DMP	Reply e-mail to the e-mail from plaintiff's counsel regarding stipulation to set aside default, acceptance of service and consolidation of cases.	0.20 195.00/hr	39.00
	- DMP	E-mail to counsel for Eric Zuley regarding signature on his declaration.	0.20 195.00/hr	39.00
	- DMP	Received phone call from plaintiff's counsel regarding stipulation to set aside default, acceptance of service, consolidation of case and other issues.	0.30 195.00/hr	58.50
	- DMP	E-mail to plaintiff's counsel regarding his client's answer to the complaint.	0.20 195.00/hr	39.00
	- DMP	N/C - Conference with Robin Wright regarding SW Oceana's answer, consolidation of cases, default prove up hearing and declaration of Eric Zuley.	0.30 195.00/hr	NO CHARGE
	- DMP	E-mail to plaintiff's counsel regarding default judgment concerning both Rubicon and Private Capital, as well as the default hearing prove up.	0.20 195.00/hr	39.00
	- DMP	Review and analyze e-mail from Roy Webb (8 pages) regarding Paul Hobbs and Rubicon.	0.20 195.00/hr	39.00
	- JDF	Review file regarding issues regarding default prove-up.	0.20 235.00/hr	47.00
	- RPW	Correspondence to Richard D. regarding service of Oceana; correspondence to J. Waltuch regarding Oceana stipulating to setting aside default.	0.20 235.00/hr	47.00
	- RPW	Multiple correspondence to and from prior DAG regarding service of Oceana.	0.20 235.00/hr	47.00
10/24/08	- DMP	Reply e-mail to plaintiff's counsel regarding acceptance of service and notice of acknowledgment.	0.20 195.00/hr	39.00
	- DMP	Draft and revise case management statement in the SW Oceana v. Rubicon case.	0.30 195.00/hr	58.50
	- DMP	N/C - Review and analyze plaintiff's complaint in the Orange County case together with exhibits.	0.60 195.00/hr	NO CHARGE
	- DMP	Review and analyze plaintiff's counsel's e-mail regarding acceptance of service of lawsuit on behalf of SW Oceana in the State of Nevada v. Rubicon case.	0.10 195.00/hr	19.50
	- DMP	Review and analyze e-mail from First Legal Investigations regarding status of service of Paul Hobbs and Rubicon.	0.10 195.00/hr	19.50
10/27/08	- DMP	Prepare for and appear at hearing regarding default judgment via court call.	0.80 195.00/hr	156.00
	- DMP	Draft and revise notice of ruling regarding hearing on plaintiff's default judgment prove-up.	0.30 195.00/hr	58.50

		<u>Hrs/Rate</u>	Page 7 <u>Amount</u>
10/27/08	- DMP E-mail to counsel for Eric Zuley requesting status on Eric Zuley's declaration.	0.20 195.00/hr	39.00
	- DMP N/C - Review and analyze e-mail from Eric Zuley's attorney regarding his declaration.	0.20 195.00/hr	NO CHARGE
	- DMP Reply e-mail to the e-mail from Eric Zuley's attorney regarding his declaration.	0.20 195.00/hr	39.00
10/28/08	- DMP Draft and revise order regarding plaintiff's default prove up hearing.	0.20 195.00/hr	39.00
	- DMP Draft and revise application for order for publication as to service of Paul Hobbs.	0.60 195.00/hr	117.00
	- DMP Draft and revise application for order for publication for service of Rubicon Development.	0.60 195.00/hr	117.00
	- DMP Review and analyze e-mail from First Legal Investigations regarding service of Rubicon and Paul Hobbs.	0.10 195.00/hr	19.50
	- DMP Reply e-mail to the e-mail from First Legal Solutions as to the attempted service of Rubicon and Paul Hobbs.	0.20 195.00/hr	39.00
	- RPW Correspondence to counsel for Sanger regarding Declaration obtained by Zuley, and request for resolution by way of subordination.	0.40 235.00/hr	94.00
	- RPW Review and analyze legal description variances; correspondence to title co; telephone conference with Alan Chang at FA regarding issues; correspondence to Joe W. regarding same.	0.50 235.00/hr	117.50
10/29/08	- RPW Correspondence to and from title co regarding legal description issue.	0.20 235.00/hr	47.00
10/31/08	- DMP Received phone call from Eric Zuley's attorney regarding his client's situation and setting aside his default.	0.20 195.00/hr	39.00
For professional services rendered		37.10	\$6,885.00

## Additional Charges :

		<u>Qty/Price</u>	
10/01/08	- DM Overnight mail to serve Case Management Conference Statement.	1 0.42	0.42
	- BK Attorney service's fee for filing Motion.	1 147.44	147.44
10/02/08	- DM Overnight mail to serve Notice of Telephonic Appearance.	1 0.42	0.42
10/06/08	- BK Attorney service's fee for obtaining Motion.	1 55.67	55.67

			Page 8
			Amount
		Qty/Price	
10/07/08 - BK	Attorney service's fee to locate Rubicon Development International, LLC to serve documents.	1 275.00	275.00
10/08/08 - BK	Attorney service's fee for serving Motion to Paul Hobbs.	1 28.00	28.00
- BK	Attorney service's fee for filing Motion.	1 109.33	109.33
10/10/08 - BK	Attorney service's fee for filing Motion.	1 352.69	352.69
- BK	Attorney service's fee for filing Motion.	1 40.00	40.00
- BK	Attorney service's fee to locate Paul Hobbs to serve Summons and Complaint.	1 173.96	173.96
- BK	Attorney service's fee to locate Rubicon Development International to serve Summons and Complaint.	1 71.00	71.00
10/13/08 - BK	Overnight mail to serve Request for Prior Pleadings.	2 0.42	0.84
10/14/08 - BK	Federal Express to serve Opposition for Tang Nguyen, Esq.	1 17.06	17.06
- BK	Attorney service's fee for filing Motion.	1 439.59	439.59
10/15/08 - BK	First Legal Investigation fee for private investigation to locate Paul Hobbs	1 325.00	325.00
10/20/08 - BK	Telephonic appearance hearing on Monday, October 27th, 2008 regarding Motion to set aside hearing on Entry of Default.	1 60.00	60.00
10/22/08 - BK	Overnight mail to serve Notice of Non-Opposition to Motion to Set Aside Default.	1 0.42	0.42
- BK	Overnight mail to serve	2 1.55	3.10
10/23/08 - BK	Overnight mail to serve Notice of Deposition Subpoena for Business Records.	2 0.42	0.84
- BK	Attorney service's fee for filing Notice of Non-Opposition to Motion to Set Aside Entry of Default.	1 112.44	112.44
- BK	Attorney service's fee for obtaining motion.	1 206.51	206.51
10/24/08 - BK	Overnight mail to serve Stipulation and Answer.	1 0.75	0.75
- BK	Court fee for filing Stipulation.	1 340.00	340.00

			Page	9
			Qty/Price	Amount
10/24/08 - BK	Attorney service's fee for filing Stipulation.	1	146.44	146.44
- BK	Court fee for serving Stipulation to Cimarron Escrow.	1	15.00	15.00
- BK	Attorney service's fee for serving Stipulation to Cimarron Escrow.	1	185.13	185.13
10/25/08 - BK	Overnight mail to serve Case Management Conference Statement.	1	0.42	0.42
10/27/08 - BK	Attorney service's fee for filing Case Management Conference Statement.	1	25.00	25.00
- BK	Attorney service's fee to locate Paul Hobbs to serve Summons and Complaint.	1	242.39	242.39
- BK	Attorney service's fee to locate Rubicon Development International to serve Summons, Complaint, and related documents.	1	350.77	350.77
10/28/08 - BK	Overnight mail to serve Notice of Ruling and Order.	3	0.75	2.25
- BK	Attorney service's fee for filing Notice of Ruling.	1	25.00	25.00
10/31/08 - BK	Photocopy fee.	111	0.20	22.20
Total costs				\$3,775.08
Total amount of this bill				\$10,660.08
Previous balance				\$5,537.70
Balance due				\$16,197.78

## Attorney Summary

Name	Hours	Rate	Amount
Robin Prema Wright	4.50	235.00	\$1,057.50
Jonathan Fink	0.90	235.00	\$211.50
Jonathan Fink	0.50	0.00	\$0.00
Dana Monica Paun	28.80	195.00	\$5,616.00
Dana Monica Paun	2.40	0.00	\$0.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

November 30, 2008

Invoice No.: 23160

Tax I.D. No. 33-0984579

Attention:  
Joseph L. Waltuch  
Commissioner  
Division of Mortgage Lending State of Nevada

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
11/06/08	- DMP Draft and revise application of service by publication of Paul Hobbs.	0.60 195.00/hr	117.00
	- DMP E-mail to plaintiff's counsel inquiring as to the notice of acknowledgment of receipt of lawsuit.	0.20 195.00/hr	39.00
	- DMP N/C - Review and analyze e-mail from plaintiff's counsel regarding notice of acknowledgment and answer due from plaintiff.	0.20 195.00/hr	NO CHARGE
	- DMP Reply e-mail to the e-mail from plaintiff's counsel regarding notice of acknowledgment and answer due from plaintiff.	0.20 195.00/hr	39.00
	- DMP Research regarding effects of consolidation of cases for determining procedure for service of defendants.	0.60 195.00/hr	117.00
	- DMP N/C - Review and analyze second e-mail from plaintiff's counsel regarding service, plaintiff's answer and effect of consolidation of cases.	0.20 195.00/hr	NO CHARGE
	- RPW Multiple correspondence from/to Sanger's attorney regarding BFE reliance; correspondence to Sanger's attorney regarding same.	0.50 235.00/hr	117.50
11/07/08	- DMP Review and analyze letter and stipulation to set aside default of Eric Zuley prepared by his counsel.	0.10 195.00/hr	19.50

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			Hrs/Rate	Page 2 Amount
11/07/08	- DMP	Further draft and revise of application/motion for service by publication of defendant Paul Hobbs (made from scratch, no sample available).	1.40 195.00/hr	273.00
	- DMP	Draft and revise Declaration of Jason Grandsinger/First Legal Solutions in support of our application/motion for service of defendant Paul Hobbs by publication.	0.30 195.00/hr	58.50
	- DMP	Draft and revise declaration of Monica D. Paun in support of application/motion for service of Hobbs by publication.	0.40 195.00/hr	78.00
	- DMP	Draft and revise Declaration of Joseph Waltuch in support of application for service by publication of defendant Paul Hobbs.	0.40 195.00/hr	78.00
11/10/08	- DMP	Prepare for and appear at Case Management Conference in Orange County Superior Court via court call (#23 on the calendar and set for second call since plaintiff's counsel was appearing in another department).	1.20 195.00/hr	234.00
	- DMP	Draft and revise application/motion for service of defendant Paul Hobbs by publication.	0.90 195.00/hr	175.50
	- DMP	E-mail to counsel for Eric Zuley regarding stipulation to set aside default of Eric Zuley.	0.20 195.00/hr	39.00
11/11/08	- DMP	Draft and revise order for service of defendant Paul Hobbs by publication.	0.30 195.00/hr	58.50
	- DMP	Draft and revise declaration of Monica Paun in support of application/motion for service of defendant Paul Hobbs by publication.	0.30 195.00/hr	58.50
	- DMP	N/C - Draft and revise declaration of Joseph Waltuch in support of application/motion for service of defendant Paul Hobbs by publication.	0.30 195.00/hr	NO CHARGE
	- DMP	Draft and revise application/motion to serve defendant Paul Hobbs by publication.	0.80 195.00/hr	156.00
11/12/08	- DMP	Draft and revise application/motion for service of defendant Paul Hobbs by publication.	0.40 195.00/hr	78.00
	- RPW	Review and revise Motion for Publication.	0.40 235.00/hr	94.00
11/20/08	- RPW	Correspondence to Sanger's attorney regarding follow up to settlement discussions.	0.10 235.00/hr	23.50
	- RPW	N/C - Telephone conference with Joe Waltuch regarding publication of Summons to Hobbs and status of Sanger's position.	0.20 235.00/hr	NO CHARGE
	- RPW	Correspondence to Sanger's attorney regarding status of position.	0.10 235.00/hr	23.50

		<u>Hrs/Rate</u>	Page 3 <u>Amount</u>
11/21/08 - DMP	Began draft and revise of motion for judgment on the pleadings in the Orange County case.	1.60 195.00/hr	312.00
- RPW	Correspondence to and from Sanger's counsel regarding legal issues presented and settlement offer.	0.40 235.00/hr	94.00
11/24/08 - DMP	Draft and revise application for service by publication of defendant Paul Hobbs.	0.40 195.00/hr	78.00
For professional services rendered		12.70	\$2,361.00

## Additional Charges :

		<u>Qty/Price</u>	
10/08/08 - BK	Attorney service's fee for obtaining motion.	1 206.01	206.01
10/09/08 - BK	Attorney service's fee for obtaining second motion.	1 206.01	206.01
10/31/08 - BK	Attorney service's fee for filing Proof of Service.	1 25.00	25.00
- DM	Online legal research.	1 735.00	735.00
11/03/08 - BK	Telephonic appearance hearing on Monday, November 10th, 2008 regarding Case Management Conference.	1 50.00	50.00
11/06/08 - BK	Attorney service's fee for obtaining Answer to Complaint.	1 206.01	206.01
11/07/08 - BK	Attorney service's fee for filing Stipulation.	1 25.00	25.00
- BK	Overnight mail to serve Summons and Complaint to SW's attorney.	1 0.58	0.58
11/10/08 - BK	Attorney service's fee for obtaining a copy of all Pleadings.	1 54.93	54.93
- BK	Court fee for obtaining a copy of all Pleadings.	1 83.50	83.50
11/19/08 - DM	Attorney service's fee for filing Case Management Statement.	1 147.44	147.44
- BK	Overnight mail to serve Case Management Conference Statement.	1 0.79	0.79
11/25/08 - DM	Attorney service's fee for filing Application for Order for Service by Publication.	1 27.00	27.00
- DM	Court fee for filing Application for Order for Service by Publication.	1 20.00	20.00



			Page 4
			<u>Amount</u>
			<u>Qty/Price</u>
11/25/08 - BK	Overnight mail to serve Application for Publication of Summons.	3 5.50	16.50
11/26/08 - DM	Telephonic appearance hearing on 12/3/08 regarding Order to Show Cause.	1 65.00	65.00
11/28/08 - BK	Telephonic appearance hearing on Wednesday, December 3rd, 2008 regarding Order to Show Cause.	1 55.00	55.00
11/30/08 - DM	Photocopy fee.	1098 0.20	219.60
- BK	Online legal research.	1 85.00	85.00
Total costs			<u>\$2,228.37</u>
Total amount of this bill			<u>\$4,589.37</u>
Previous balance			<u>\$16,197.78</u>
Balance due			<u>\$20,787.15</u>

## Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	1.50	235.00	\$352.50
Robin Prema Wright	0.20	0.00	\$0.00
Dana Monica Paun	10.30	195.00	\$2,008.50
Dana Monica Paun	0.70	0.00	\$0.00



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

December 31, 2008

Invoice No.: 23678

Tax I.D. No. 33-0984579

---

Attention:

Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
12/03/08 - DMP	Prepare for and appear at hearing regarding OSC regarding service in the State of Nevada v. Rubicon case in San Bernardino Superior Court, Victorville, via court call.(number 26 on the calendar).	1.40 195.00/hr	273.00
- DMP	Draft and revise notice of ruling at OSC hearing regarding service in the State of Nevada v. Rubicon case.	0.20 195.00/hr	39.00
12/08/08 - DMP	Draft and revise letter to plaintiff's counsel in the Orange County case regarding his failure to comply with our request for prior pleadings and discovery.	0.20 195.00/hr	39.00
- DMP	Received phone call from counsel for defendant Iryna Khomenko regarding our request for prior pleadings and discovery in the Orange County case.	0.10 195.00/hr	19.50
12/10/08 - DMP	Further draft and revise of the motion for judgment on the pleadings in the Orange County case.	0.60 195.00/hr	117.00
- DMP	Began draft and revise of special interrogatories to plaintiff, set one, in the Orange County case (35 interrogatories).	1.50 195.00/hr	292.50
- DMP	Began draft and revise of demand for production of documents, set one, to plaintiff, in the Orange County case (26 demands).	1.20 195.00/hr	234.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			Page	2
			<u>Hrs/Rate</u>	<u>Amount</u>
12/10/08 - RPW	Review and analyze correspondence from Sanger's attorney regarding counter offer; correspondence to J. Waltuch regarding same; correspondence to Joe W. regarding dismissal.	0.30 235.00/hr	70.50	
- RPW	Telephone conference with Joe Waltchu regarding \$10K offer; correspondence to Plaintiff's counsel and Sanger's counsel regarding splitting appraisal costs; correspondence to Richard Marks regarding counter offer of \$3,500.	0.30 235.00/hr	70.50	
12/11/08 - DMP	N/C - Conference regarding strategy as to further litigation.	0.20 195.00/hr	NO CHARGE	
12/12/08 - DMP	Draft and revise special interrogatories to plaintiff, set one, in the San Bernardino consolidated cases (62 interrogatories).	1.80 195.00/hr	351.00	
- DMP	Draft and revise request for production of documents to plaintiff, set one, in the consolidated cases in San Bernardino Court (52 requests).	0.80 195.00/hr	156.00	
12/15/08 - DMP	Began draft and revise of Request for Admissions to plaintiff, set one (30 requests).	1.20 195.00/hr	234.00	
- RPW	Review and analyze appraisal; review and analyze correspondence from J. Waltuch regarding foreclosure sequence and status of settlement; correspondence to Sanger's attorney regarding status of settlement.	0.30 235.00/hr	70.50	
12/16/08 - RPW	Telephone conference with opposing counsel regarding facts, legal issues, and settlement proposals; correspondence to Joe Waltuch regarding settlement exploration.	0.80 235.00/hr	188.00	
12/18/08 - RPW	Review and analyze correspondence from Sanger's attorney regarding status.	0.10 235.00/hr	23.50	
12/19/08 - RPW	Correspondence to and from counsel for Sanger regarding settlement issues.	0.20 235.00/hr	47.00	
12/29/08 - DMP	Phone call appraiser Paul Jabobs regarding appraisal of property.	0.20 195.00/hr	39.00	
- RPW	N/C - Correspondence to and from Joe Waltuch regarding updating last appraisal and price quoted.	0.20 235.00/hr	NO CHARGE	
12/30/08 - DMP	E-mail to appraiser Paul Jacobs regarding assignment, cost of appraisal and information regarding the property and the lawsuit for obtaining updated appraisal of property.	0.20 195.00/hr	39.00	
- DMP	Further draft and revise of Request for Admissions to plaintiff in the consolidated case.	0.80 195.00/hr	156.00	
For professional services rendered			12.60	\$2,459.00

## Additional Charges :

	<u>Qty/Price</u>	<u>Amount</u>
11/30/08 - BK ConferenceCall.com's fee for conference call.	1 93.14	93.14
12/04/08 - BK First Reprographics' fee for copying documents.	1 52.50	52.50
12/09/08 - DM Attorney service's fee for filing Notice of Ruling.	1 25.00	25.00
12/17/08 - BK Orange County Register fee for printing of Public Notice.	1 649.55	649.55
12/31/08 - DM Photocopy fee.	530 0.20	106.00
Total costs		<u>\$926.19</u>
Total amount of this bill		<u>\$3,385.19</u>
Previous balance		<u>\$20,787.15</u>
Balance due		<u>\$24,172.34</u>

## Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	2.00	235.00	\$470.00
Robin Prema Wright	0.20	0.00	\$0.00
Dana Monica Paun	10.20	195.00	\$1,989.00
Dana Monica Paun	0.20	0.00	\$0.00



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

January 31, 2009

Invoice No.: 24224

Tax I.D. No. 33-0984579

Attention:  
Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
01/06/09 - RPW Correspondence to Sanger's counsel regarding receipt of \$5,000.	0.10 235.00/hr	23.50
01/07/09 - DMP N/C - Draft and revise conditional settlement agreement with co-defendant Floyd Sanger.	1.60 195.00/hr	NO CHARGE
- DMP N/C - Review and analyze title documents for drafting conditional settlement agreement with defendant Floyd Sanger.	0.30 195.00/hr	NO CHARGE
01/13/09 - DMP Research court's website for dismissal in the Orange County case.	0.10 195.00/hr	19.50
- DMP E-mail to plaintiff's counsel regarding status of dismissal in the Orange County case and requesting a copy of the conformed dismissal.	0.20 195.00/hr	39.00
01/15/09 - DMP Draft and revise notice of settlement with defendant Floyd Sanger.	0.20 195.00/hr	39.00
- DMP N/C - Phone call to plaintiff's counsel regarding status of filing of dismissal in the Orange County case.	0.20 195.00/hr	NO CHARGE
- DMP E-mail to appraiser Paul Jacobs regarding status of appraisal.	0.20 195.00/hr	39.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			<u>Hrs/Rate</u>	Page 2 <u>Amount</u>
01/16/09	- DMP	N/C - Review and analyze e-mail from appraiser Paul Jacobs regarding status of appraisal and questions regarding title to the property.	0.20 195.00/hr	NO CHARGE
	- DMP	Reply e-mail to the e-mail from appraiser Paul Jacobs regarding status of appraisal and requesting title information.	0.20 195.00/hr	39.00
01/20/09	- DMP	N/C - Received phone call from appraiser Paul Jacobs regarding status of appraisal.	0.20 195.00/hr	NO CHARGE
	- DMP	E-mail to appraiser Paul Jacobs regarding appraisal of property.	0.20 195.00/hr	39.00
	- DMP	N/C - Review and analyze e-mail from plaintiff's counsel regarding dismissal of lawsuit in the Orange County case.	0.20 195.00/hr	NO CHARGE
	- DMP	Reply e-mail to the e-mail from plaintiff's counsel regarding dismissal of lawsuit in the Orange County case.	0.20 195.00/hr	39.00
	- DMP	Review and analyze e-mail from plaintiff's counsel regarding consolidation and status of the consolidated cases in the San Bernardino court.	0.10 195.00/hr	19.50
	- DMP	Reply e-mail to the e-mail from plaintiff's counsel regarding consolidation, status of the consolidated cases and upcoming hearings in the San Bernardino court.	0.20 195.00/hr	39.00
	- DMP	Draft and revise Case Management Conference statement regarding status of service, discovery and trial issues.	0.20 195.00/hr	39.00
	- DMP	Draft and revise entry of default as to defendant Rubicon Development International.	0.20 195.00/hr	39.00
01/21/09	- DMP	Received phone call from Eric Zuley's attorney regarding status of case and dismissal of his client.	0.10 195.00/hr	19.50
	- DMP	E-mail to Eric Zuley's attorney regarding status of case and dismissal of his client.	0.20 195.00/hr	39.00
	- RPW	Review and analyze appraisal; Correspondence to/from opposing counsel regarding settlement offer employing Equitable subrogation arguments.	0.60 235.00/hr	141.00
01/22/09	- DMP	Review and analyze e-mail from counsel for Eric Zuley regarding dismissal of his client.	0.10 195.00/hr	19.50
	- RDS	Analyze facts regarding potential application of the doctrine of equitable subrogation and issues related to the ownership of the two promissory notes, etc.	0.30 235.00/hr	70.50
	- RPW	Review and analyze correspondence from opposing counsel; conference with RDS regarding equitable subrogation issues.	0.40 235.00/hr	94.00
	- RPW	Analyze issue of Plaintiff obtaining judgment against defunct entity.	0.30 235.00/hr	70.50

			Page 3
			<u>Amount</u>
			<u>Hrs/Rate</u>
01/23/09 - DMP	Review and analyze plaintiff's motion to strike the request for attorney's fees from our First Amended Complaint for drafting opposition.	0.20 195.00/hr	39.00
- DMP	Draft and revise opposition to plaintiff's motion to strike the request for attorney's fees from our First Amended Complaint.	1.90 195.00/hr	370.50
- DMP	Research regarding non-assuming grantee's liability for attorney's fees for drafting opposition to plaintiff's motion to strike the allegations and request for attorney's fees from the First Amended Complaint.	0.60 195.00/hr	117.00
01/26/09 - DMP	Prepare for and appear at Case Management Conference/OSC regarding service in San Bernardino Superior Court via court call.	0.90 195.00/hr	175.50
- DMP	Draft and revise notice of judge's ruling at the Case Management Conference/OSC regarding service per judge's order.	0.20 195.00/hr	39.00
- DMP	Draft and revise letter to plaintiff's counsel regarding mediation and requesting a list of proposed mediators.	0.20 195.00/hr	39.00
For professional services rendered		10.80	\$1,647.50

## Additional Charges :

			<u>Qty/Price</u>
12/03/08 - BK	Overnight mail to serve letter.	1 6.50	6.50
- BK	Overnight mail to serve Letter to opposing counsel.	2 0.42	0.84
12/08/08 - BK	Overnight mail to serve documents.	3 0.42	1.26
- BK	Overnight mail to serve Notice of Ruling at Case Management Conference / Order to Show Cause.	3 0.42	1.26
01/14/09 - DM	Overnight mail to serve Request for Court Call Appearance.	1 0.42	0.42
01/16/09 - DM	Federal Express to serve contract to Joseph L. Waltuch.	1 14.94	14.94
01/19/09 - BK	Telephonic appearance hearing on Monday, January 26th, 2009 regarding Status Conference.	1 65.00	65.00
01/20/09 - DM	Overnight mail to serve Case Management Statement, Notice of Settlement and Request for Default.	3 0.76	2.28
- DM	Attorney service fee for filing Case Management Statement Attachment One.	1 25.00	25.00

			Page 4
			<u>Amount</u>
			<u>Qty/Price</u>
01/20/09 - DM	Attorney service fee for filing Case Management Statement Attachment Twenty One.	1 110.76	110.76
01/31/09 - DM	Photocopy fee.	9 0.20	1.80
- DM	Online legal research.	1 110.00	110.00
Total costs			<u>\$340.06</u>
Total amount of this bill			<u>\$1,987.56</u>
Previous balance			<u>\$24,172.34</u>
Balance due			<u>\$26,159.90</u>

## Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	1.40	235.00	\$329.00
Richard D. Simpson Jr	0.30	235.00	\$70.50
Dana Monica Paun	6.40	195.00	\$1,248.00
Dana Monica Paun	2.70	0.00	\$0.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!





# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

February 28, 2009

Invoice No.: 24928

Tax I.D. No. 33-0984579

Attention:  
Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
02/02/09	- DMP Further draft and revise of opposition to plaintiff's motion to strike the attorney's fees from the complaint.	0.40 195.00/hr	78.00
02/05/09	- DMP Draft and revise opposition to plaintiff's motion to strike the attorney's fees.	1.30 195.00/hr	253.50
-	DMP N/C - Research regarding the effect of consolidation as to pleadings and requests for relief, including attorney's fees, for drafting opposition to plaintiff's motion to strike the request for attorney's fees.	0.60 195.00/hr	NO CHARGE
-	RPW N/C - Correspondence to Richard Marks regarding status of subordinations.	0.10 235.00/hr	NO CHARGE
-	RPW N/C - Conference with Richard D. Simpson regarding risks of proceeding to sale.	0.40 235.00/hr	NO CHARGE
-	RPW Review and revise Opposition to Motion to Strike.	0.30 235.00/hr	70.50
02/06/09	- RPW Review and analyze Sanger's draft subordination.	0.10 235.00/hr	23.50
02/09/09	- DMP Received phone call from Eric Zuley's attorney concerning dismissal of his client.	0.10 195.00/hr	19.50
-	DMP E-mail to Eric Zuley's attorney regarding status of case and dismissal of his client.	0.20 195.00/hr	39.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

		<u>Hrs/Rate</u>	Page 2 <u>Amount</u>
02/25/09 - DMP	Review and analyze e-mail from counsel for defendant Eric Zuley regarding additional stipulation for him to file an answer.	0.10 195.00/hr	19.50
- DMP	N/C - Reply e-mail to counsel for defendant Eric Zuley regarding filing a dismissal of his client.	0.20 195.00/hr	NO CHARGE
For professional services rendered		<u>3.80</u>	<u>\$503.50</u>

## Additional Charges :

		<u>Qty/Price</u>	
02/05/09 - DM	Attorney service's fee for filing Opposition to Motion to Strike and Request for Judicial Notice.	1 221.24	221.24
- BK	Federal Express to serve documents to Tang Nguyen.	1 13.71	13.71
- BK	Overnight mail to serve Notice of Ruling.	3 0.42	1.26
02/06/09 - DM	Attorney service's fee for filing motion.	1 25.00	25.00
02/13/09 - BK	Telephonic appearance hearing on Friday, February 20th, 2009, regarding Motion.	1 65.00	65.00
02/17/09 - BK	Federal Express to serve documents to Richard D. Marks.	1 11.84	11.84
02/25/09 - BK	Attorney service's fee for filing Motion.	1 25.00	25.00
02/28/09 - DM	Photocopy fee.	372 0.20	74.40
- BK	Online legal research.	1 67.50	67.50

Total costs	<u>\$504.95</u>
Total amount of this bill	<u>\$1,008.45</u>
Previous balance	<u>\$26,159.90</u>
Balance due	<u>\$27,168.35</u>

## Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	0.40	235.00	\$94.00
Robin Prema Wright	0.50	0.00	\$0.00
Dana Monica Paun	2.10	195.00	\$409.50

Name	Hours	Rate	Page 3 Amount
Dana Monica Paun	0.80	0.00	\$0.00



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

March 31, 2009

Invoice No.: 25602

Tax I.D. No. 33-0984579

Attention:  
Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
03/09/09 - DMP N/C - Review and analyze e-mail from counsel for Floyd Sanger regarding dismissal of his client.	0.10 195.00/hr	NO CHARGE
- DMP Reply e-mail to the e-mail from counsel for defendant Floyd Sanger regarding dismissal of his client.	0.20 195.00/hr	39.00
03/12/09 - RPW Telephone conference with Joe W. and investors regarding status of case.	0.50 235.00/hr	117.50
03/13/09 - RPW Attend hearing on Oceana's Motion to Strike Attorney Fee Provision.	0.50 235.00/hr	117.50
03/16/09 - RPW Draft and finalize two Subpoenas and two consumer notices.	0.40 235.00/hr	94.00
03/26/09 - JAJ Began drafting Cross-Complaint against plaintiff.	0.30 195.00/hr	58.50
- RPW Correspondence to and from Sanger's counsel regarding recording the subordination.	0.10 235.00/hr	23.50
03/27/09 - JAJ Continued drafting Cross-Complaint against Oceana.	2.40 195.00/hr	468.00
03/30/09 - JAJ Research of loan documents in support of Cross-Complaint.	1.20 195.00/hr	234.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

	Hrs/Rate	Page 2 Amount
03/30/09 - JAJ Completed drafting Cross-Complaint.	2.50 195.00/hr	487.50
03/31/09 - JAJ N/C - Review and revise Cross-Complaint.	1.10 195.00/hr	NO CHARGE
- JAJ Drafted Motion for Leave to File Cross-Complaint.	2.20 195.00/hr	429.00
- JAJ Drafted Declaration in support of Motion for Leave to File Cross-Complaint.	0.40 195.00/hr	78.00
- RPW [REDACTED]	0.40 235.00/hr	NO CHARGE
- RPW Draft and finalize Stipulation regarding dismissal for Sanger.	0.20 235.00/hr	47.00
For professional services rendered	12.50	\$2,193.50

## Additional Charges :

	Qty/Price	
03/12/09 - BK Overnight mail to serve letter to Nguyen, Esq.	1 0.59	0.59
03/17/09 - BK Overnight mail to serve Subpoena.	3 1.34	4.02
Total costs		\$4.61

Total amount of this bill	\$2,198.11
Previous balance	\$27,168.35
Balance due	\$29,366.46

## Attorney Summary

Name	Hours	Rate	Amount
Robin Prema Wright	1.70	235.00	\$399.50
Robin Prema Wright	0.40	0.00	\$0.00
Dana Monica Paun	0.20	195.00	\$39.00
Dana Monica Paun	0.10	0.00	\$0.00
Jennifer A. Johnson	9.00	195.00	\$1,755.00
Jennifer A. Johnson	1.10	0.00	\$0.00

Payment is due within 30 days.  
 Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
 Thank you for your prompt payment!



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

April 30, 2009

Invoice No.: 26312

Tax I.D. No. 33-0984579

Attention:  
Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: Rubicon Development  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: 08-222

## Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
04/09/09 - RPW Review and revise Cross-Complaint for Equitable Subrogation; correspondence to Joe Waltuch regarding same.	0.30 235.00/hr	70.50
04/10/09 - RPW [REDACTED]	0.40 235.00/hr	NO CHARGE
04/14/09 - RPW Correspondence to opposing counsel regarding assignments, necessary party issue and mediation.	0.20 235.00/hr	47.00
04/21/09 - RPW [REDACTED]	0.20 235.00/hr	NO CHARGE
04/22/09 - RPW Telephone conference with Tang Nguyen; correspondence to T. Nguyen regarding documents requested.	0.30 235.00/hr	70.50
- RPW N/C - Multiple correspondence to and from State of Nevada regarding strategy and updates.	0.40 235.00/hr	NO CHARGE
For professional services rendered	1.80	\$188.00
Additional Charges :		
	<u>Qty/Price</u>	
03/10/09 - BK Attorney service's fee for obtaining Motion.	1 48.89	48.89

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			Page 2
			<u>Amount</u>
			<u>Qty/Price</u>
03/23/09 - BK	Federal Express to serve dismissal to Richard D. Marks.	1 12.01	12.01
04/06/09 - BK	Overnight mail to serve letter to Opposing counsel.	1 0.42	0.42
04/07/09 - BK	Attorney Services' fee for filing Motion for Leave to file Cross-complaint for Equitable Subrogation.	1 114.89	114.89
- BK	Court fee for filing Motion for Leave to file Cross-complaint for Equitable Subrogation.	1 20.00	20.00
04/10/09 - DM	Photocopy fee.	19 0.20	3.80
04/13/09 - BK	Pacific Mortgage Exchange, Inc.'s fee for reproducing and mailing Subpoena documents.	1 31.00	31.00
04/27/09 - BK	Attorney Services' fee for filing Notice of Entry of Order regarding Dismissal.	1 58.00	58.00
Total costs			<u>\$289.01</u>
Total amount of this bill			<u>\$477.01</u>
Previous balance			\$29,366.46
Balance due			<u>\$29,843.47</u>

## Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	0.80	235.00	\$188.00
Robin Prema Wright	1.00	0.00	\$0.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

May 31, 2009

Invoice No.: 27044

Tax I.D. No. 33-0984579

Attention:

Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
05/14/09 - RPW N/C - Draft and finalize correspondence to Tang Nguyen regarding status of mediation selection.	0.20 235.00/hr	NO CHARGE
05/21/09 - RPW Telephone conference with opposing counsel regarding dismissal of PC and settlement.	0.20 235.00/hr	47.00
For professional services rendered	0.40	\$47.00

Additional Charges :

	<u>Qty/Price</u>	
03/17/09 - BK Attorney Services' fee for filing Deposition Subpoena.	1 164.00	164.00
- BK Court fee for filing Deposition Subpoena.	1 15.00	15.00
03/18/09 - BK Attorney Services' fee for filing Motion.	1 180.50	180.50
03/23/09 - BK Attorney Services' fee for filing Request for Entry of Default.	1 25.00	25.00
03/24/09 - BK Attorney Services' fee for filing Motion.	1 112.89	112.89

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



			Page 2
			Amount
			Qty/Price
03/27/09 - BK	Attorney Services' fee for filing Motion.	1	34.90
			34.90
- BK	Court fee for filing Motion.	1	19.00
			19.00
04/24/09 - BK	Overnight mail to serve letter and documents to Tran Nyguen.	1	4.95
			4.95
05/05/09 - BK	Overnight mail to serve Opposition to Motion to Strike and Request for Judicial Notice.	2	5.74
			2.87
Total costs			\$561.98
Total amount of this bill			\$608.98
Previous balance			\$29,843.47
Balance due			\$30,452.45

Attorney Summary			
Name	Hours	Rate	Amount
Robin Prema Wright	0.20	235.00	\$47.00
Robin Prema Wright	0.20	0.00	\$0.00

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

June 30, 2009

Invoice No.: 27788

Tax I.D. No. 33-0984579

---

Attention:

Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
06/11/09 - RPW N/C - Multiple correspondence to/from opposing counsel regarding Dismissal of Plaintiff's counsel and tolling agreement; correspondence to/from Joe at State of Nevada regarding same.	0.40 235.00/hr	NO CHARGE
06/15/09 - DMP Prepare for and appear at trial setting conference in San Bernardino Superior Court via court call.	1.10 195.00/hr	214.50
- RPW Multiple conference with State of Nevada and opposing counsel regarding dismissal; correspondence to opposing counsel regarding status of title.	0.40 235.00/hr	94.00
- RPW N/C - Telephone conference with Joe Waltuch and Colleen at State of Nevada regarding dismissal.	0.30 235.00/hr	NO CHARGE
For professional services rendered	2.20	\$308.50

Additional Charges :

	<u>Qty/Price</u>	
06/02/09 - BK Overnight mail to serve Notice of Telephonic Appearance.	1 0.44	0.44
- BK Federal Express to serve agreement to Richard D. Marks.	1 14.09	14.09

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

			Page 2
			<u>Amount</u>
			<u>Qty/Price</u>
06/08/09 - BK	Telephonic appearance hearing on Monday, June 15th, 2009 regarding Trial Setting Conference.	1 55.00	55.00
06/15/09 - MS	FATCO fee for documents retrieval.	1 20.00	20.00
Total costs			<u>\$89.53</u>
Total amount of this bill			<u>\$398.03</u>
Previous balance			<u>\$30,452.45</u>
Balance due			<u>\$30,850.48</u>

Attorney Summary			
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	0.40	235.00	\$94.00
Robin Prema Wright	0.70	0.00	\$0.00
Dana Monica Paun	1.10	195.00	\$214.50

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



**WRIGHT FINLAY & ZAK<sup>LLP</sup>**  
ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

August 31, 2009  
Invoice No.: 28498  
Tax I.D. No. 33-0984579

Attention:  
Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
07/30/09 - RPW N/C - Correspondence with Joe W. regarding status of dismissal; correspondence to opposing counsel regarding same.	0.20 235.00/hr	NO CHARGE
08/07/09 - RPW Review and analyze Proposed Stipulation; correspondence to J. Waltuch and Tang N. regarding same.	0.20 235.00/hr	47.00
08/11/09 - NN Multiple correspondence with opposing counsel regarding Stipulation for Dismissal.	0.10 175.00/hr	17.50
For professional services rendered	0.50	\$64.50
Previous balance		\$30,850.48
Balance due		<u>\$30,914.98</u>

Attorney Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Robin Prema Wright	0.20	235.00	\$47.00
Robin Prema Wright	0.20	0.00	\$0.00
Nicole Neff	0.10	175.00	\$17.50

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!



# WRIGHT FINLAY & ZAK<sup>LLP</sup>

ATTORNEYS AT LAW

Wright, Finlay & Zak,<sup>LLP</sup>  
4665 MacArthur Court, Suite 280  
Newport Beach, CA 92660

September 30, 2009

Invoice No.: 29742

Tax I.D. No. 33-0984579

Attention:  
Colleen Hemingway  
Deputy Attorney General  
Office of the Nevada Attorney General  
5420 Kietzke Lane, Suite 202  
Reno NV 89511

File Name: **Rubicon Development**  
Property Address:  
City, State, Zip:

Loan No.:  
File No.: **08-222**

## Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
09/01/09 - DMP Draft and revise Dismissal of Complaint as to Defendant SW Oceana, Inc. only.	0.20 195.00/hr	39.00
For professional services rendered	0.20	\$39.00

## Additional Charges :

	<u>Qty/Price</u>	
09/02/09 - BK Attorney Services' fee for obtaining Revocation.	1 150.12	150.12
09/04/09 - BK Attorney Services' fee for filing Revocation with Recorder.	1 33.00	33.00
09/10/09 - BK Attorney Services' fee for obtaining Subordination.	1 146.12	146.12
09/11/09 - BK Attorney Services' fee for filing Subordination with Recorder.	1 35.50	35.50
- BK Court fee for recording Subordination.	1 25.00	25.00
09/22/09 - BK Federal Express to serve Proof of Claim to Joseph Waltuch, Commissioner.	1 24.66	24.66

Payment is due within 30 days.  
Please contact Diana Zaharuk at (949) 477-5052 with any questions.  
Thank you for your prompt payment!

Page 2  
Amount  
\$414.40

Total costs

Total amount of this bill

\$453.40

Previous balance

\$30,914.98

Balance due

\$31,368.38

Name	Attorney Summary	Hours	Rate	Amount
Dana Monica Paun		0.20	195.00	\$39.00